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Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Letter dated 14 November from the Permanent Representative of Botswana to the United Nations addressed to the Secretary-General

I wish to refer to paragraph 67 of document A/60/307 dated 29 August 2005, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", which states: "Survival International Limited, an NGO based in the United Kingdom, reported on its action with regard to the protection of the human rights of the Bushmen (Basarwa/San) in Botswana. The organization considered that the Basarwa/San peoples suffer from cultural, social, economic and political exclusion and do not enjoy group rights to land. The organization expressed concern at expressions of prejudice against the Basarwa/San people, including those made by public officials."

The Government of Botswana rejects the contents of this paragraph. We condemn the action by Survival International Limited to spread falsehoods about Botswana. Botswana has a solid history of consistent determination to build a free, democratic and non-racial society even at a time when the country was completely surrounded by racist minority regimes and apartheid oppressors. The attempt by this non-governmental organization to characterize Botswana in the terms reflected in the above-mentioned paragraph is an unwarranted attempt to insult the people of Botswana, their leaders and their national institutions.

A comprehensive response by the Government of Botswana is annexed to the present letter. I request that the present letter and its annex be circulated as a document of the General Assembly under agenda item 69 (b).

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ANNEX

FACTS ABOUT THE RELOCATION OF THE FORMER RESIDENTS OF THE CENTRAL KALAHARI GAME RESERVE (CKGR) – GOVERNMENT OF BOTSWANA

1. The Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is an important document. It represents the collective will of the international community to eliminate the injustices that accompany racism, racial discrimination, xenophobia and related intolerance. The Declaration was adopted at a time when the Republic of South Africa was approaching a decade of freedom and democracy. Thus the Conference was also an expression of the collective desire of the international community to see South Africa succeed in building a free, democratic and non-racial society after the country had for too long been subjected to institutionalized racism and crimes against humanity. The timing and venue for the Conference could not have been more appropriate. It is all the more important that the implementation and follow-up to the Declaration and Programme of Action should not be trivialized by fringe organizations that insist on unreasonable positions and have no respect for the democratic process.

2. The Government of Botswana deeply regrets that Survival International Limited, an organization that seems to own a patent for spreading deliberate lies about the situation in Botswana, has sought to use this agenda item to mislead the international community. Survival International has repeatedly made unsubstantiated allegations about the voluntary relocation of the former residents of the Central Kalahari Game Reserve (CKGR). It has resorted to the desperate and shameful notion of telling lies as many times as possible in the hope that such lies would eventually be considered as fact. This is facilitated by modern means of communication which make it possible for a handful of individuals such as Survival International to spread falsehoods on a global scale at the push of a button. In the paragraph that follow, the Government of Botswana provides comprehensive information on the situation in Botswana.

3. The CKGR was established in 1961 to protect wildlife resources and provide sufficient land for traditional use by hunter-gatherer communities of the Central Kalahari. However a study commissioned by Government in 1985 revealed that the residents of the CKGR had abandoned the traditional nomadic hunter gatherer way of life (hunting on foot with bows and arrows) in favour of a sedentary lifestyle and hunting with traps, spears, dogs, and guns, on horseback and occasionally motor vehicles.

4. The residents were also grazing increasing numbers of livestock within the Game Reserve. In the area around Old Xade, it was found that wildlife and veld-foods had thus been virtually eliminated within a radius of 40km, an area of 5 000 square kilometers.

5. The conclusion was that, the development of permanent settlements in the Reserve coupled with the new hunting and herding activities of the residents were inconsistent with wildlife conservation in the CKGR. The Government's findings, in this respect, were consistent with what had already been reported by various independent researchers over many years. In his much cited study "The Social Influence of Change in Hunting Technique among Central Kalahari San" [African Studies Monographs 5], for example, the Himeji-Dokkyo University anthropologist Masakazu Osaki reported that during his stay in Xade between September and February in 1982/3, of the 91 large ungulates killed by hunters only one of these was brought down by traditional bow and arrow. As Osaki further noted in a follow-up work, "Reconstructing the Recent History of the Gui and Gana Bushmen" [African Studies Monographs No. 26]:

"At present, the traditional hunting with bow and arrows is outdated while trap hunting thrives. Spear hunting with dogs, hunting on horseback also thrives."

6. External experts have also understood that changes in hunting techniques have been part of a wider social transformation. As the Cambridge University legal anthropologist James Suzman observed in his 2003 overview "Kalahari conundrums: relocation, resistance and international support in the Central Kalahari Botswana" [Before Farming 2002/3-4 (12)]: "With easy water [Old] Xade's population grew rapidly. By 1980 it was a permanent settlement and two years later the Government built a school and a health centre there. Game avoided the area, veld-foods were over-utilised and the people grew increasingly reliant on state aid. Residents of Xade also realized that with permanent water they could keep livestock. As other water-points were established during the 1980s the residents of the CKGR brought more goats, donkeys, dogs and horses into the reserve. Horses and dogs were particularly prized since they radically increased hunting efficiency and range ....

"Likewise, year-round access to potable water allowed the Xade population to experiment with cultivation. With support from agricultural extension services some managed small harvests of sorghum, maize and cow peas. By 1985, it was reported that almost all Gwi plated gardens. In so doing the Gwi and Gana demonstrated that not only were they unafraid of change, but if appropriately delivered they were willing to embrace it."

7. In accordance with our democratic beliefs, policies and practices, in 1985 the Government of Botswana initiated consultations with the residents of the CKGR on their relocation. It was only in 1997, 12 years later, that the actual relocation started after 1739 residents had agreed to relocate to new settlements, which they themselves had freely selected. These settlements are Kgoesakeni (New

Xade), Kaudwane and Xere. The selection was based on, amongst others, the terrain and surrounding vegetation, which are similar to that found inside the Game Reserve.

8. All the people who relocated from the CKGR were paid compensation for their properties and also assisted with vehicles to transport their belongings, which included livestock, to the new settlements. The total sum paid as compensation to 730 households between 1997 and 2002 amounted to P4.4 million (US$900 000).

9. Compensation was mainly for developments on the vacated plots in the CKGR, especially traditional huts, wooden poles, shade trees, and ploughing fields. The residents were also paid a disturbance allowance calculated at 10% of the total compensation. Total compensations ranged from P1 000 (US$220) to P100 000 (US$22 000) per adult resident or family unit depending on properties owned.

10. In addition to the above, Government provided the relocating residents with livestock. Two thousand, three hundred (2 300) cattle and two thousand and eighteen (2 018) goats have so far been provided to 602 beneficiaries, with each family allocated either 5 head of cattle or 15 goats. Individuals, themselves, were given the opportunity to choose between cattle or goats. Government has also ensured that there is water for livestock in areas to which they have relocated.

11. According to the 2001 Botswana Population and Housing Census, there were 689 people who still remained in the CKGR. Of this number only 17 people, who are members of two related families, did not agree to relocate. In addition, in the past two years, a small number of those who had earlier relocated have since gone back to the Reserve. Thus the number of people residing in the Reserve fluctuates between 50 and 70. Here we use the term fluctuate because most of these people move in and out of the Reserve on a frequent basis.

Economic and social development

12. The relocated communities now live in settlements which in accordance with Government policy are targeted for accelerated provision of the amenities. Government introduced the Remote Area Development Policy in 1978 out of the realization that there were some communities which may remain marginalized if special, proactive measures were not designed and undertaken to assist them. The objectives of the Remote Area Development Programme (RADP) are:

- to intensify development of remote settlements and bring them to the level obtaining in other villages in the country;

- to promote productive and sustainable income and employment generating activities;
- to promote social, cultural and economic advancement of Remote Area Dweller communities; and,
- to enhance these communities' access to land.

13. The RADP has a budget of P61 million (US$14 million) during the current National Development Plan 9 (2003 – 2008). The Programme currently covers 64 Remote Area Dweller settlements spread across seven districts in Botswana, namely, Southern, Kgatleng, Kweneng, Central, North West, Ghanzi and Kgalagadi. Basarwa have settlements in most parts of Botswana. Basarwa are thus not only found in and around the CKGR, but all over the country and indeed Southern Africa.

14. The status of development obtaining at these settlements is as follows:

- Potable water

All 64 settlements are provided with potable water for domestic consumption and other uses by the communities.

- Education

Sixty-three (63) of the settlements have primary schools with a total enrolment of 16 492 pupils supported by the RADP. A further 3 786 secondary and tertiary students are also supported by the RADP. To further improve access to education for remote area communities, boarding facilities are provided at 17 of the settlements. In this respect, the children of those few who have remained inside the CKGR have been among those who have continued to benefit from boarding facilities, being also transported to and from the Game Reserve at Government expense during school holidays.

- Health

Fifty-eight (58) of the settlements have a health post. Other settlements are serviced by mobile clinics. Construction of a clinic with maternity ward has been completed at Kgoesakeni (New Xade) at a cost of P4 million (US$880 000).

- Economic empowerment

Under the Economic Promotion Fund, P5 283 900 (US$1.1 million) has been provided for small scale income generating activities. In the new settlements of Kgoesakeni (New Xade) and Kaudwane several economic activities have been initiated as indicated in the tables below.

Kgoesakeni (New Xade)

Project type I	No. of Beneficiaries
Basket weaving	1
Candle making	1
Brick moulding	3
Knitting	6
Sewing	6
Poultry	4
Carpentry	4
Bakery	2
Welding and Fabrication	2
Leatherworks	2

Project type II	No. of Beneficiaries
Backyard garden	60
Backyard poultry units	60
Self help houses	60
Toilets	50
Crafts	30

Total cost for projects at Kgoesakeni (New Xade) = P2 844 600. (US$626 000)

Kaudwane

Project type I	No. of Beneficiaries
Tannery	18
Carpentry	3
Welding	1
Sewing	7
Knitting	4
Brick moulding	1
Woodwork	1
Leatherwork	1

Project type II	No. of Beneficiaries
Backyard garden	30
Backyard poultry units	30
Self help houses	60
Toilets	30
Dry land production	10
Crafts	20

Total cost for Kaudwane projects = P2 439 300. (US$537 000)

Xere

Project type I	No. of Beneficiaries
Sewing	5
Tannery	4
Bakery	2
Carpentry	2

15. The former residents of the CKGR are issued with special game hunting licences. According to the Botswana Wildlife Conservation and National Parks Act No. 28 of 1992 Section 30 (1), for an individual to be issued a special game licence, he/she should principally be dependent on hunting and gathering veld produce for their food. This is no longer the case with the former residents of the CKGR but all the same Government has made a special dispensation to enable them to have access to game and veld products which they can obtain from the Wildlife Management Areas (WMA) adjacent to the Game Reserve. As the Game Reserve is not fenced there is free movement of wildlife between the Game Reserve and the WMAs.

Development of settlements in Botswana

16. The development of settlements in Botswana, both large and small, is guided by the National Settlement Policy which was developed and designed to, amongst others, promote the optimal use of the limited resources at Government's disposal. By necessity, population size, location, and economic viability are among the practical criteria used in determining the development and provision of services to settlements. A remote area dweller settlement must have a minimum of 250 people and must be located at least 15km away from a recognized settlement/village to qualify for infrastructure facilities and other services. People residing in settlements of less than 250 people are persuaded to relocate or come together with others to form bigger settlements where they could be provided with services in a cost effective manner. This arrangement applies throughout the country. As a matter of fact, living conditions in the new settlements are far superior when compared to those inside the Game Reserve. Government has an obligation to ensure that all citizens are afforded basic social amenities such as education, health facilities, economic opportunities, all of which were not available and/or could not be provided without adversely affecting the status of the Game Reserve.

17. A decision was taken to terminate services inside the CKGR after it became apparent that with the small number of people remaining inside the Game Reserve, 17 people from two related families, the continued provision of services was uneconomical and unsustainable. Those that remain in the Reserve, however, are free to find ways on their own to access services at areas nearest to them and they are in fact doing so. They collect food rations, pensions and access various other services from the settlements adjacent to the Game Reserve.

Land tenure and access to land

18. Every citizen of Botswana has a right to apply for and be allocated a piece of land anywhere in Botswana irrespective of their ethnicity. Everyone is further entitled to utilize the land in accordance with the provisions of the tenure system within which the piece of land falls. Where conflict of land use arises the concerned individual or community is advised to seek another place where there will be no such conflict. The former residents of the CKGR are not the first nor will they be the last to be asked to relocate. In the past communities in Botswana have been asked to relocate to give way for development or the establishment of Game Reserves. These include, people who previously resided in the Kgalagadi Gemsbok, Makgadikgadi, Chobe and Moremi Game Parks and Reserves.

19. Botswana has a land mass of approximately 582 thousand square kilometers. Three systems of land tenure obtain namely, **tribal land** (73%), **state land** (23%), and **freehold land** (4%). **Tribal or communal land** forms a large part of rural Botswana and falls under the jurisdiction of statutory Tribal Land Boards. Applicants are allowed to identify pieces of land for residential, commercial, industrial, recreational and agricultural purposes for which they would like to apply, and are allocated land free of charge.

20. In allocating land, the Land Board may issue a certificate of customary land grant or a common law lease. A customary land grant entitles applicants user rights as opposed to property rights. In the case of common law leases, the lessees can use the land for collateral purposes. Common law leases range from 50 years for commercial, industrial, civic and community use and 99 years for residential use. The new settlements of Kgoesakeni (New Xade), Kaudwane and Xere fall within this customary tenure system. The residents of these settlements have thus been allocated land free under the same conditions as all other citizens. The area of the CKGR has, since the late nineteenth century, had the status of State Land.

Ancestral land claim

21. Survival International has sought to mislead members of the international community by alleging that Basarwa have no right to land. Historically, there are some tribal areas named after some ethnic groups. Such areas, however, are composed or consist of various ethnic groups some of which are quite sizeable. In other words there are many ethnic groups in Botswana which do not have areas named after them but that does not deny them the right to land any more than England can now be said to be exclusively for the English.

22. In the above context, Botswana's National Settlement Policy does not give power to any particular ethnic group to allocate land. Instead land is allocated by Land Boards whose legal mandate is to, among other things, ensure that every citizen, regardless of ethnic origin is allocated land anywhere in the country on the basis of first come first served. The relocated Basarwa and other former residents of the CKGR have rights to the land they have been allocated like any other citizen. They can use it for residential, farming and any other business venture. It is therefore a deliberate lie to seek to persuade the world to believe that the relocation meant those affected would not get land at all. Like all other citizens, Basarwa living throughout Botswana,

whose number is estimated at about 60 000, are entitled to land in accordance with this policy. Survival International would want the world to believe that Basarwa [San] from the CKGR are the last people of Basarwa identity left in Botswana. In fact the former residents of the CKGR are only a very small proportion of the people of Basarwa identity who live in the country. There are about 64 settlements spread across the country in which Basarwa are either the dominant or exclusive residents. It is, perhaps, also worth noting that almost half of the Game Reserve's former population were non-Basarwa in their ethnic identity, being mostly speakers of a Tswana dialect.

Mining Activities

23. Allegations have been made that the Basarwa and others living in the CKGR were relocated to make way for mining activities. At the moment there are no mining developments in the CKGR. The only activities related to mining are the exploration of minerals which began in the 1960s covering the whole of Botswana. Over the years there has been an oscillation of prospecting activity across the country, including in the CKGR. Between 10% and 70% of Botswana has over this period been approved for mineral prospecting, including Gaborone, the capital city and the CKGR.

24. About 1 400 new prospecting licences have been issued since 1975 (excluding renewals). Out of this number only a very small percentage have resulted in the discovery of actual mineral deposits. Of these, an even smaller proportion are commercially viable in scale. Currently, there are only 8 mines that are in production in the country – 4 diamond mines, 2 copper/nickel mines, 1 gold mine, 1 soda ash mine and 1 coal mine.

25. In 1980, Falconbridge Explorations Botswana (a subsidiary of Falconbridge of Canada) discovered a small kimberlite pipe of about 11.5 hectares overlain by some 70 metres of sand cover at Gope, inside the CKGR. Falconbridge judged that the potential commercial significance of the discovery could be evaluated more effectively with the use of advanced technologies which were propriety to DeBeers. In this respect, Falconbridge and DeBeers formed a joint venture company, the Gope Exploration Company, for the purpose of undertaking detailed evaluation of the Kimberlite pipe. On the basis of small samples of ore and diamonds, the pipe was assessed as being sub-economic with relatively low ore grades and low diamond valuations. The deep sand cover, remote location and low values adversely affected the potential economic viability of mine development.

26. Following the conclusion that mining the Gope deposit would not be viable, Gope Exploration applied for and was granted a Retention Licence in November 2000. In terms of this Retention Licence, the investors must submit annual reviews of their feasibility study to demonstrate that the project remains uneconomic. The Retention Licence may extend to a total period of six years with escalating licence fees becoming payable to the Government of Botswana. There is no mining at Gope or anywhere else in the CKGR. It must be noted that Gope is about 200 kilometres from Old Xade. It cannot be logical to move people because there are plans to undertake mining in a location some 200 kilometres away. In any case mining naturally attracts

people and townships grow around mines. There is therefore no reason to suspect that in the case of Botswana mining will result in people being relocated.

27. All the exploration equipment at Gope has since been removed and the rehabilitation of the site undertaken. However, it must be placed on record that mining in Botswana is not a secret undertaking and will never be a secret. We have policies and laws that are attractive to private investment including and especially private foreign investment. It is these laws, policies and practices that attract mining companies to prospect for and subsequently exploit the diamonds, copper-nickel, coal, gold and soda ash deposits.

28. In all these instances, both the discovery and commencement of mining were publicly announced by Government. If a rich diamond deposit or any other valuable mineral were to be found anywhere in Botswana, including the CKGR, it will not be necessary for anyone to whisper it to anybody. The Government of Botswana would make a public announcement and its intentions regarding the exploitation of the natural resource would be a matter of public record.

Mineral rights

29. According to Botswana laws, mineral rights are the property of the state, irrespective of the ownership of the land on which they are found. This is the reason why existing mines in the country are not subject to claims of ownership of mineral rights from communities resident in the areas of exploration and mining development. This ensures that all the citizens have a common stake and enjoy common benefits from mineral revenues. Revenues derived there from, have been used to build schools, roads, clinics, hospitals, educate our people, provide potable water, electricity, telecommunications for the benefit of people throughout the country including the former residents of the CKGR.

Cultural Heritage

30. Survival International has alleged that Basarwa people who have been relocated would not be able to practice their culture outside the Game Reserve. Facts are:

    i. that the geographical features of the areas to which they have relocated is no different from where they were; and,

    ii. the new settlements have not been integrated into bigger settlements or villages. Basarwa continue to live in smaller communities as it was the case inside the Reserve.

31. However, the culture of Basarwa like any culture cannot be immune from influences of other cultures and/or vice-versa. In fact, those who have travelled to Botswana and experienced the cultures of different communities in Botswana would appreciate how much influence the Basarwa culture has had in other cultures, particularly in

areas such as dance, music and artifacts. The communities within the CKGR were, moreover, in fact ethnically mixed and, according to their own traditions and historical documentation, had long been so.

Political participation and Community leadership

32. We consider those who claim to be representing Basarwa to have nothing but contempt for the democratic and freely chosen leadership of the people who relocated from the Game Reserve. The Chiefs of all the settlements concerned were all elected by the Basarwa without any interference from the Government. As in any other society, it can be expected that they are the ones who should speak on behalf of their people. But like in any democratic society, there will always be a few who may not agree with the view of the majority.

33. In addition to the traditional leadership, each of the new settlements have their own political leadership in the form of Village Development Committees, Councillors and Members of Parliament who are part of the political leadership of the country elected freely to articulate community and national interests. All Botswana political parties battle hard during elections in these communities to garner their support and do so knowing that they are going to represent the concerned people in the representative and governance structures of the country.

34. Botswana is a democracy. We have an open, transparent and accountable Government. In this respect we have afforded all those who wish to assess the true facts on the ground the opportunity to do so. These include groups and individuals ranging from politicians to media from all over the world. This we have done at great cost to ourselves. The findings of well meaning people so far have been positive. This explains the reason why negative information being sent out about the CKGR relocation emanates from one source, Survival International, whose motive, has nothing to do with the interests of the Basarwa. The challenge remains for them to produce the evidence.